IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2239 of 1988

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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IFFCO KARMACHARI SANGH - Petitioner(s)

Versus

INDIAN FARMERS FERTILIZERS CO-OPERATIVE LTD. - Respondent(s)

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Appearance :

MR SHALIN N MEHTA for Petitioner No(s).: 1.

NANAVATI ASSOCIATES for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 11/08/2005

ORAL JUDGMENT

1. By way of this petition, the petitioner has challenged the order of the Industrial Tribunal, dated

12th January 1987.

2. The brief facts of the case are that, in July 1975, the respondent by an advertisement, invited applications from eligible candidates for appointment as Trade Apprentices. Pursuant thereto, some persons shown in the statement (Annexure.A) had applied in various Trades. After test and interview, the persons shown in the statement (Annexure.B) were appointed vide identical orders. It has been clearly mentioned in the appointment letter that after completion of the training, the respondent may offer permanent appointment as Junior Technician in the Grade of Rs.440-25-565-30-715. Though the period of apprenticeship training was initially for a period of three years, it was subsequently reduced to two years.

2.1 An industrial dispute was raised which was referred by the Deputy Commissioner of Labour, State of Gujarat, Ahmedabad to the Industrial Tribunal, Ahmedabad. The petitioner filed its claim statement. The respondent filed its written statement and contested the claim of the petitioner. After adjudication, the Industrial Tribunal passed the order as mentioned hereinabove.

3. At the outset, it may be noted that the petition is filed by the Union because some employees had tried to take advantage of the agreement out of which the benefits were given to some other employees and they want to gain more benefits.

4. I have gone through the order of the Industrial Tribunal. I am in full agreement with the reasonings recorded and the ultimate conclusion arrived at by the Tribunal. I am of the opinion that the things which are prevailing since 1977 should not be disturbed after a long time more particularly in view of the decision rendered by the Apex Court in the case of State of U.P. v. Jai Bir Singh reported in (2005) 5 SCC 1. In the said decision, the Apex Court has held that the main aim of Industrial Disputes Act, 1947, is to regulate and harmonise relationship between employers and employees for maintaining industrial peace and social harmony and hence, while interpreting the same interests of employers, employees and in a democratic society, people, who are the ultimate beneficiaries of the industrial activities have to be kept in view and therefore, a worker-oriented approach in construing the definition of “industry” would be a one-sided approach and not in

accordance with the provisions of the Act. In that view of the matter, the petition is rejected. Rule is discharged with no order as to costs.

5. At this stage, Mr.Mehta submitted that the contract is signed under compulsion and contract is void at the instance of the petitioner. It is not proper for the petitioner to raise such contention after taking advantage of the above judgment.

(K.S. Jhaveri, J.)

Sreeram.